

Application No.: 10/664,671

Docket No.: JCLA12230

REMARKS**Present Status of the Application**

The Office Action allowed claims 13-14, 19 and 25. Claims 11, 15-18 and 20-21 were objected to under 37 CFR 1.75(c) because a multiple dependent claim should refer to other claims in the alternative only. Under 35 U.S.C. 102(b), claims 1-6 were rejected as being anticipated by Schadt et al. (US 4,452,718, hereafter as Schadt), claims 1-8 rejected as being anticipated by CAPLUS 1989: 145504 (504'), and claims 1-6, 9, 11 and 22-24 rejected as being anticipated by CAPLUS 2001: 180900 (900'). Claims 10 and 12 were objected to, in Point 6 of the Office Action, as being dependent upon a rejected claim, while *Applicants respectfully point out* that claim 25 should not be included in Point 6 like claims 10 and 12 because claim 25 is an independent claim and was allowed in Point 7 of the Office Action.

In response thereto, Applicants have amended claims 1, 7, 10, 11, 15-18 and 20-21 and submitted the following remarks. Reconsideration of claims 1-12, 15-18 and 20-24 is respectfully requested.

Discussion of Objections to Claims 11, 15-18 & 20-21

Please note that Applicants have amended claims 11, 15-18 and 20-21 such that each of these claims refers to only one claim. Claim 10 has also been amended for the same reason. Therefore, withdrawal of the objections is respectfully requested.

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Discussions of Rejections to Claims 1-9, 11 & 22-24 under 35 U.S.C. 102(b)

Claims 1-6 were rejected as being anticipated by Schadt, claims 1-8 by 504', while claims 1-6, 9, 11 and 22-24 by 900'. Please note that independent claims 1 and 7 have been further amended, wherein the feature of " $m+n+q \geq 1$ " newly added to claim 1 can be supported by paragraph [0040] and Examples in the specification that mention preferred embodiments of the compound *each having at least one ring except A⁴*.

Schadt, which was cited for rejecting claim 1 and claims 2-6 dependent therefrom, fails to disclose the feature of " $m+n+q \geq 1$ " in amended claim 1. As indicated in Point 3 of the Office Action, the compound of "1-(trans-4-pentylcyclohexyl)-2-propen-1-one" in Scheme A in col. 7 of Schadt reads on the present formulae (1) and (1b) with $m=n=q=0$.

Another feature of amended claim 1 is that when $m+n+q=1$, Z⁴ is a single bond and A⁴ represents 1,4-phenylene, Z¹, Z² and Z³ *each is not a single bond*. Meanwhile, in claim 7, formulae (b)-(d) each satisfies the relationship of " $m+n+q > 1$ ". For formula (a) with $m+n+q=1$ in amended claim 7, Z⁴ is a single bond, while Z¹ *is not a single bond* when A⁴ represents 1,4-phenylene.

The reference 504', which was cited for rejecting claims 1 and 7 and claims 2-6 and claim 8 respectively dependent therefrom, fails to disclose the above feature of amended claim 1 or 7. The compound of 1-(trans-4-pentylcyclohexyl)phenyl-2-propen-1-one (RN 119488-91-4) in 504' reads on the present formulae (1) and (1b) with $m+n+q=1$, Z⁴ being a single bond, A⁴ representing 1,4-phenylene and Z¹, Z² and Z³ *each being a single bond*.

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As for the reference 900' that was cited for rejecting claim 1, claims 2-6, 9 and 11 dependent from claim 1 and claims 22-24 dependent from claim 13, Examiner considered that the compound "CM1" in 900' corresponds to formula (2) in claim 13, and Applicants notice that

Examiner wrote "R¹" under the group " $-(CH_2)_8-O-C(=O)-C(=CH_2)-Me$ " (hereafter as R⁹⁰⁰) of CM1.

However, Applicants respectfully point out that R⁹⁰⁰ is *not within the scope of R¹ in claim 1 or 13*: hydrogen, halogen, -CN, -CF₃, -CF₂H, -CFH₂, -OCF₃, -OCF₂H, -N=C=O, -N=C=S, and, *particularly*, alkyl with 1-20 carbon atoms in which any -CH₂- may be substituted with -O-, -S-, -CO-, -COO-, -OCO-, -CH=CH-, -CF=CF- or -C≡C- and any hydrogen may be substituted with halogen or -CN. There is no way to obtain the moiety of $-C(=CH_2)-Me$ in R⁹⁰⁰ by replacing one -CH₂- of a straight or branched alkyl with -CH=CH-, because there must be **at least one H-atom** on **each** of the two carbon atoms forming the double bond after the replacement is made.

The reference 900' also fails to disclose the newly added feature of "m=n=q≥1" of amended claim 1, because the compound "CM1" is under the condition of "m=n=q=0".

Accordingly, the compound "CM1" in 900' is not within the scope of the present formula (1) in independent claim 1, and the corresponding polymer unit from the compound "CM1" is not within the scope of formula (2) in independent claim 13.

For at least the above reasons, Applicants respectfully submit that independent claims 1, 7 and 13 patently define over the prior art.

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For at least the same reasons mentioned above, Applicants respectfully submit that claims 2-6, 9 and 11 dependent from claim 1, claim 8 dependent from claim 7 as well as claims 22-24 dependent from claim 13 all patently define over the prior art.

Discussions of Objections to Claims 10 & 12

Claims 10 and 12 were objected to as being dependent upon a rejected base claim 1. Since amended claim 1 patently defines over the prior art for at least the above reasons, withdrawal of the objections is respectfully requested.

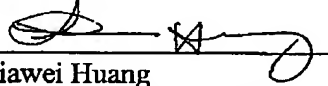
CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-12, 15-18 and 20-24 are in proper condition for allowance like claims 13-14, 19 and 25 are. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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4 Venture, Suite 250
Irvine, CA 92618
Tel.: (949) 660-0761
Fax: (949)-660-0809

Respectfully submitted,
J.C. PATENTS


Jiawei Huang
Registration No. 43,330